

## R30-90-10. RATIOS AND GROUP SIZE.

The rules in this section regulate the caregiver-to-child ratio which is the maximum number of children each caregiver may be responsible for. The rules also limit group size meaning the number of children being cared for in one group at the same time. These rules are based on what children need for quality nurturing care.

Rules regarding the caregiver-to-child ratio and group size apply any time there are children in care, including when children are being transported and during offsite activities. The rules also apply during special activities when child care is provided at the facility, such as Parents' Night Out or Saturday party.

### Does the Child Count in the Caregiver-to-Child Ratio?

Child's Age	Unrelated Child	Provider's Own Child	Caregiver's Own Child	Other Related Child
0-3 years	Yes	Yes	Yes	Yes
4 years and older	Yes	No*	No*	Yes

### Does the Child Count in Maximum Group Size

Child's Age	Unrelated Child	Provider's Own Child	Caregiver's Own Child	Other Related Child
0-3 years	Yes	Yes	Yes	Yes
4 years - 12 years	Yes	Yes	Yes	Yes
13 years old and older	Yes (if special needs)	No	No	Yes (if special needs)

\*The provider's and caregiver's children who are 4 years old and older do not count in the caregiver-to-child ratio as long as the provider or caregiver is working at the facility or performing work-related duties.

Refer to the following guidelines:

- The rules are assessed according to the number of qualified children present and not by the number of children who are enrolled.

- Non-qualifying children (Ex. Friends of the provider's children and other visiting children younger than 13 years of age) who are present during child care hours and not accompanied by their parents or adult caregiver count in the maximum group size. They also count in the caregiver-to-child ratio if they are younger than four years of age.
- It is a rule violation if the group size is exceeded. The provider can correct this rule violation by having the number of visiting children that put them over the group size leave the facility.
- It is a rule violation if the ratios are exceeded. The provider can correct this rule violation by having the number of visiting children that put them over the ratio leave the facility.
- For an individual to count in the caregiver-to-child ratio, they must:
  - Meet personnel requirements as specified in rule,
  - Be on the premises or in the offsite area where the children are being cared for, and
  - Be performing caregiving duties.

#### *45 Minute Allowance*

For unforeseen circumstances, the caregiver-to-child ratio may be out of compliance for up to 45 minutes. Examples of unforeseen circumstances include:

- A caregiver does not arrive at their scheduled time.
- Children arrive earlier or depart later than their normal time without advance notification from their parent.
- A caregiver needs to leave due to an emergency.
- A caregiver leaves their employment without advance notice or is dismissed for immediate cause.

To remain in compliance with ratios during unforeseen circumstances, refer to the following guidelines:

- The provider must address the situation as soon as it is known that ratios will be out of compliance due to an unforeseen circumstance. The intent of the 45 minutes is to allow enough time for an approved individual to arrive and place the facility back into ratio.
- Children must not be left unsupervised.
- Sign-in and sign-out records must be up-to-date and available for review by CCL.
- If licensing staff arrive when ratios are out of compliance, but the ratio is brought into compliance within the 45 minute allowance, it will not be considered a rule violation. Instead:
  - Two Focus Inspections will be conducted to confirm that it was an unforeseen circumstance.
  - If ratios are out of compliance at the first Focus Inspection, a corrective action will be issued and the second Focus Inspection will not be conducted. Instead, a Followup Inspection will be conducted to verify correction is maintained.
  - If ratios are in compliance at the first and second Focus Inspections, no corrective actions will be issued, but the situation will be documented in the CCL App.
- It is a rule violation if the ratio is not brought into compliance within the 45 minutes.

#### *Emergency Substitute Variance*

When the caregiver-to-child ratio is out of compliance because a caregiver unexpectedly left, and the provider cannot come into compliance within 45 minutes, CCL may grant an emergency variance to the emergency substitute rules for up to ten working days. This will give the provider time to use an emergency substitute longer than 24 hours until they bring in a new caregiver in order to be in compliance with ratios. This variance will also allow for the use of a 16 or 17-year-old emergency substitute.

To obtain this variance, the provider must:

- Contact their licenser within 24 hours (or contact other CCL staff if the licenser is unavailable), and
- Give CCL the name and/or the Covered Individual Number of the person who left.

Refer to the following guidelines:

- The provider must maintain compliance with supervision rules. A variance for supervision will not be granted.
- All emergency substitutes must sign a written statement that they:
  - Have not been convicted of a felony or misdemeanor;
  - Do not have a substantiated background finding; and
  - Are not being investigated for abuse or neglect by any federal, state, or local government agency.
- The emergency substitute's written statement must be submitted to CCL within 5 working days after the occurrence.
- An emergency substitute may not be left unsupervised until they have met the requirements to become a caregiver.
- A Focus Inspection will be conducted to verify compliance with ratios after the variance expires.

**1) The provider shall maintain at least:**

- a) one caregiver for up to eight children in care; and**
- b) two caregivers for nine to 16 children in care.**

### **Rationale/Explanation**

Low child:staff ratios are most critical for infants and toddlers (birth to thirty-six months). Infant and child development and caregiving quality improves when group size and child:staff ratios are smaller. Improved verbal interactions are correlated with lower child:staff ratios. Small ratios are very important for young children's development. The recommended group size and child:staff ratio allow three- to five-year-old children to have continuing adult support and guidance while encouraging independent, self-initiated play and other activities CFOC 4th ed. Standards 1.1.1.1 p.p. 4-5.

### **Compliance Assessment**

- When determining ratio compliance, include:

- All children younger than 4 years old,
- Children 4 to 13 years old who are not the provider or an employee's child, and
- Any child with a disability who is younger than 18 years old.

### Risk Level

High

### Corrective Action for 1st Instance

Citation and CMP Warning when:

- There are infants or toddlers in care and it is over ratio by any number of children.
- With 1 caregiver, there are no infants or toddlers in care and it is over ratio by 3 or more children.
- With 2 caregivers, there are no infants or toddlers in care and it is over ratio by 5 or more children.
- A group is over ratio by any number of children during transportation or offsite activities.

### Risk Level

Moderate

### Corrective Action for 1st Instance

Citation Warning when:

- With 1 caregiver, there are no infants or toddlers in care and it is over ratio by 2 children.
- With 2 caregivers, there are no infants or toddlers in care and it is over ratio by 4 children.

### Risk Level

Low

### Corrective Action for 1st Instance

Warning when:

- With 1 caregiver, there are no infants or toddlers in care and it is over ratio by 1 child.
- With 2 caregivers, there are no infants or toddlers in care and it is over ratio by 1 to 3 children.
- When the provider exceeded the ratios because of visiting children, and the provider had the number of visiting children that put them over the ratio leave the facility during the inspection.

- 2) **The provider shall include the provider's and employees' children age four years old or older in care:**
  - a) **in the group size when the parent of the child is working at the facility; and**
  - b) **in the group size and the caregiver-to-child ratio when the parent of the child is not working at the facility**

### Compliance Assessment

The provider's and caregivers' children who are 4 years old and older count in the caregiver-to-child ratio when the provider or a caregiver leaves the premises or the offsite area where

children are being cared for and is no longer performing caregiving duties. Ratios must be maintained, even during school runs.

- 3) When caring for children younger than two years old, the provider shall ensure that:
- a) there is at least one caregiver if there are up to two children younger than two years old in care;
  - b) there are at least two caregivers when there are three to four children younger than two years old in care; and
  - c) if there are six or fewer children in care, there is at least one caregiver with up to three children younger than two years old in care.

#### Rationale / Explanation

Direct, warm social interaction between adults and children is more common and more likely with lower child:staff ratios. Low child:staff ratios are most critical for infants and toddlers (birth to thirty-six months). CFOC 4th ed. Standards 1.1.1.1. p.p. 5.

#### Compliance Assessment

- There may not be more than 4 infants or toddlers in care at the same time, regardless of the number of caregivers who are present.

#### Risk Level

High

#### Corrective Action for 1st Instance

Citation and CMP Warning

- 4) The provider shall not exceed the group sizes found in Table 1 and Table 2

Table 1 Maximum Group Size with 1 Caregiver		
# of Provider's and Caregivers' Own Children Ages 4-12 Years Present During Child Care Hours	Maximum Allowed # Children in Care, Including Provider's and Caregivers' Own Children Younger than 4 years old	Total # of Children Present in the Home During Child Care Hours
0-4 children	8 children	12 children
5 children	7 children	12 children
6 children	6 children	12 children
7 children	5 children	12 children
8 children	4 children	12 children

9 children	3 children	12 children
10 children	2 children	12 children
11 children	1 child	12 children

<b>Table 2</b> <b>Maximum Group Size with 2 Caregivers</b>		
<b># of Provider's and Caregivers' Own Children Ages 4-12 Years Present During Child Care Hours</b>	<b>Maximum Allowed # Children in Care, Including Provider's and Caregivers' Own Children Younger than 4 years old</b>	<b>Total # of Children Present in the Home During Child Care Hours</b>
0-8 children	16 children	24 children
9 children	15 children	24 children
10 children	14 children	24 children
11 children	13 children	24 children
12 children	12 children	24 children
13 children	11 children	24 children
14 children	10 children	24 children
15 children	9 children	24 children
16 children	8 children	24 children
17 children	7 children	24 children
18 children	6 children	24 children
19 children	5 children	24 children
20 children	4 children	24 children
21 children	3 children	24 children
22 children	2 children	24 children
23 children	1 children	24 children

### Rationale / Explanation

The small family child care home caregiver's/teacher's own children as well as any other children in the home temporarily requiring supervision should be included in the child:staff ratio. CFOC 4th ed. Standards 1.1.1.1. pp. 3.

### Compliance Assessment

- Group size includes the provider's and caregivers' children, any other related children, and children visiting who are not accompanied by their parent or adult caregiver.

### Risk Level

High

### Corrective Action for 1st Instance

Citation and CMP Warning when:

- There are infants or toddlers in care and group size is exceeded by any number of children.
- With 1 caregiver, there are no infants or toddlers in care and group size is exceeded by 3 or more children.
- With 2 caregivers, there are no infants or toddlers in care and group size is exceeded by 5 or more children.
- A group is over group size by any number of children during transportation or offsite activities.

### Risk Level

Moderate

### Corrective Action for 1st Instance

Citation Warning when:

- With 1 caregiver, there are no infants or toddlers in care and group size is exceeded by 2 children.
- With 2 caregivers, there are no infants or toddlers in care and group size is exceeded by 4 children.

### Risk Level

Low

### Corrective Action for 1st Instance

Warning when:

- With 1 caregiver, there are no infants or toddlers in care and group size is exceeded by 1 child.
- With 2 caregivers, there are no infants or toddlers in care and group size is exceeded by 1 to 3 children.
- When the provider exceeded the group size because of visiting children, and the provider had the number of visiting children that put them over the group size leave the facility during the inspection.

- 5) The provider may include caregivers and volunteers who are 16 or 17 years old in the caregiver-to-child ratio.

#### Compliance Guidelines

- A caregiver who is at least 18 years old must be on the premises when a 16- or 17-year-old counts in the caregiver-to-child ratio.
- A 16- or 17-year-old caregiver may not be left alone on the premises while a child is in care or take a child off the premises without an 18-year-old caregiver being present.

#### Risk Level

Moderate

#### Corrective Action for 1st Instance

Citation Warning

- 6) The provider shall ensure that guests do not count in caregiver-to-child ratio.

#### Rationale/Explanation

The facility should have sufficient direct care professional staff to provide the required programs and services. CFOC 4th ed. Standard 1.1.1.3 p.p. 6.

#### Risk Level & Corrective Action for 1st Instance

Refer to 90-7(3) and/or 90-8(2) for noncompliance with this rule.